

MONDAY DECEMBER 14, 1998

Crim. THE PEOPLE  
No. v.  
C024672 GREGORY LEE RAND JR.  
BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: q December 14, 1998

SCOTLAND, Acting P.J.

MONDAY, DECEMBER 14, 1998 CONTINUED

At 9:33 a.m., the court met in the Library & Courts Building to begin it's court calendar session.

PRESENT:           BLEASE, Acting Presiding Justice  
                   SCOTLAND, Associate Justice  
                   PUGLIA, Associate Justice

Bailiff: Conrad.  
 Calendar Called.

Civil           BETTY WESTPHAL  
 No.            v.  
 C028293      WAL-MART STORES INC.

Cause called. Russ J. Wundeli, of Porter, Scott, Weiberg & Delchant argued for Defendant-Appellant. David A. Melton, of Porter, Scott, Weiberg & Delchant appeared on behalf of Defendant-Appellant. Douglas E. Stein argued for Plaintiff-Respondent, Timothy E. O'Laughlin appeared on behalf of Plaintiff-Respondent. Cause submitted.

At 10:05 a.m., court recessed. At 10:10 a.m., court reconvened with the same panel except Associate Justice Davis in place of Associate Justice Scotland.

Civil           COUNTY OF MONO  
 No.            v.  
 C027742      PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Cause called. Richard B. Maness, Senior Staff Counsel argued for Defendant-Appellant. Wendy K. Genz, of Rixon, Freedman, Klepetar & Hambleton argued for Plaintiff-Respondent. Cause submitted.

Civil           EAST BAY ASIAN LOCAL ETC. ET AL.  
 No.            v.  
 C024192      STATE OF CALIFORNIA

Cause called. Kathleen W. Mikkelsen, Deputy Attorney General argued for Defendant-Appellant. William Alsup, of Morrison & Foerster argued for Plaintiffs-Respondents East Bay Asian Local etc., et al. Oliver Lee Thaler, of Morrison & Foerster appeared of behalf of Plaintiff-Respondents National Trust for Historic Preservation. Kate Hermann Stacy, Deputy City Attorney appeared on behalf for Plaintiff-Respondents City of San Francisco et al. Cause submitted.

MONDAY, DECEMBER 14, 1998 CONTINUED

At 11:04 a.m., court recessed. At 11:07 a.m., court reconvened with the same panel except Associate Justice Callahan in place of Associate Justice Puglia.

Civil            In re Marriage of BOWMAN  
No.               LACY BOWMAN  
C028455        v.  
                    KIRK BOWMAN

Cause called. Daphne L. Macklin, Legal Services of Northern California argued for Appellant. Mary Tilton, Deputy District Attorney argued for Respondent. Cause submitted.

At 11:29 a.m., court recessed. At 11:33 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Davis and Associate Justice Scotland.

Crim.           THE PEOPLE  
No.               v.  
C027310        JILES LEE WALLACE

Micharl B. McPartland, court appointed counsel argued for Defendant-Appellant. Matthew Chan, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 11:38 a.m., court recessed. At 2:05 p.m., court reconvened with Acting Presiding Justice Scotland, Associate Justice Nicholson and Associate Justice Puglia.

Crim.           THE PEOPLE  
No.               v.  
C027018        ADAM LIBERO

Cause called. Richard M. Doctoroff, court appointed counsel argued for Defendant-Appellant. John A. O'Sullivan, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

MONDAY, DECEMBER 14, 1998 CONTINUED

At 2:20 p.m., court recessed. At 2:22 p.m., court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Nicholson.

Civil  
No.  
C027328

In re DERRIS ORANGE ON HABEAS CORPUS

Cause called. Peter J. Siggins, Senior Assistant Attorney General argued for Appellant. Heather MacKay, court appointed counsel argued for Respondent. Cause submitted.

At 2:40 p.m., court adjourned until 9:30 a.m., Tuesday, December 15, 1998.

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Crim.  
No.  
C028363

THE PEOPLE (Not for Publication)  
v.  
DONNA LYNN CURTIZ

The judgment is modified to reduce the restitution fine to \$200 (Pen. Code, § 1202.4) and to strike the parole related restitution fine (Pen. Code, § 1202.45). The trial court is directed to prepare an amended abstract of judgment accordingly and to forward to the Department of Corrections. In all other respects, the judgment is affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.  
SCOTLAND, J.

Civil  
No.  
C019165

CHARLES SCOTT HUGHES (Certified for Partial Publication)  
v.  
BOARD OF ARCHITECTURAL EXAMINERS  
THE COURT:

The opinion in the above entitled matter filed on November 20, 1998, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

FOR THE COURT:

HULL, J.  
SCOTLAND, Acting P.J.  
PUGLIA, J.

MONDAY, DECEMBER 14, 1998 CONTINUED

Civil            LAWRENCE PHOENIE ET AL.            (Not for Publication)  
No.                v.  
C028335        COUNTY OF SACRAMENTO ET AL.

The judgment is affirmed.

HULL, J.

We concur:            BLEASE, Acting P.J.  
                             RAYE, J.

Crim.            THE PEOPLE                            (Not for Publication)  
No.                v.  
C029196        JOSE FRANCISCO ZAMUDIO

The judgment is affirmed.

SCOTLAND, J.

We concur:            SIMS, Acting P.J.  
                             DAVIS, J.

Crim.            THE PEOPLE                            (Not for Publication)  
No.                v.  
C028647        TOMMY NELSON THOMPSON

The judgment is affirmed.

SIMS, Acting P.J.

We concur:            DAVIS, J.  
                             SCOTLAND, J.

Juvenile        In re KACY S. ET AL., Persons Coming Under the Juvenile Court Law.  
No.                THE PEOPLE                            (Certified for Publication)  
C023170        v.  
                         KACY S. ET AL.

The judgment as to Kacy is affirmed. As to Daren, the probation condition that he not associate with any persons not approved by his probation officer is modified to provide only that he shall not associate with Jason B. As so modified, the judgment as to Daren is affirmed.

PUGLIA, J.

I concur:                DAVIS, J.

There is simply nothing in the record which links the conduct of the minors to drug or alcohol abuse. Accordingly, the trial court erred in imposing the urine testing condition.

(CERTIFIED FOR PUBLICATION)

BLEASE, Acting P.J.

TUESDAY, DECEMBER 15, 1998

Civil CAMANCHE FARMS ET AL.  
No. v.  
C027274 KENNETH MANN

BY THE COURT:

Pursuant to the request of counsel for appellants and good cause appearing, the above case is ordered off the December 15, 1998, calendar. The above case is removed from calendar and the appeal filed on August 6, 1997, is dismissed. It is further ordered that the remittitur issue forthwith.

Dated: December 15, 1998

BLEASE, Acting P.J.

Civil LARRY QUESTO  
No. v.  
C030262 ROGER VALENTINE

BY THE COURT:

Pursuant to the written request of counsel for appellant, the appeal filed on August 4, 1998, is dismissed. It is further ordered that the remittitur issue forthwith.

Dated: December 15, 1998

BLEASE, Acting P.J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: BLEASE, Acting Presiding Justice  
SIMS, Associate Justice  
CALLAHAN, Associate Justice

Bailiff: Rios  
Calendar Called.

Civil RON M. SMITH  
No. v.  
C028542 DAVID E. JONES  
DEPARTMENT OF REAL ESTATE

Cause called. Amy J. Winn, Deputy Attorney General argued for Real party in Interest-Appellant. Stuart L. Smits argued for Plaintiff-Respondent. Cause submitted.

TUESDAY, DECEMBER 15, 1998 CONTINUED

At 10:00 a.m., court recessed. At 10:02 a.m., court reconvened with the same panel except Associate Justice Raye in place of Acting Presiding Justice Blease.

Civil	RAOUL SAVOIE
No.	v.
C027403	KAREN DUNFORD ET AL.
Civil	RAOUL SAVOIE
No.	v.
C028183	KAREN DUNFORD ET AL.

Cause called. James J. Johnson argued for Plaintiff-Respondent. Jerry O. Crow argued for Defendants-Respondents Country Realty et al. Kenneth B. Arthofer, of Borton, Petrini & Conron argued for Defendants-Respondent Karen Dunford et al. Cause submitted.

At 10:23 a.m., court recessed. At 10:25 a.m., court reconvened with the same panel except Acting Presiding Justice Blease in place of Acting Presiding Justice Sims.

Crim.	THE PEOPLE
No.	v.
C026965	DAVID R. BOYD

Cause called. Richard W. Young, court appointed counsel argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved. Cause submitted.

At 10:40 a.m., court recessed. At 10:45 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Morrison, and Associate Justice Callahan.

Juvenile	LEROY S.
No.	v.
C030831	SUPERIOR COURT, SUTTER COUNTY
	DEPARTMENT OF HUMAN SERVICES ET AL.

Cause called. Steven Bass argued for Petitioner. James Scanlon, County Counsel argued for Real party in Interest Department of Human Services. No appearance was made on behalf of Real party in Interest Stacy S. No appearance was made on behalf of Real parties in Interest Leroy S. et al. Cause submitted.

TUESDAY, DECEMBER 15, 1998 CONTINUED

At 11:00 a.m., court recessed. At 2:00 p.m., court reconvened with Acting Associate Justice Blease, Associate Justice Scotland, and Associate Justice Callahan.

Civil           JOSHUA R. LILLEY, A MINOR, ETC.  
No.               v.  
C027041       ELK GROVE UNIFIED SCHOOL DISTRICT ET AL.

Cause called. Donald E. Wharton argued for Plaintiff-Appellant. Jon D. Universal, of Anwyl, Scofield, Stepp & Universal argued for Defendants-Respondents.

At 2:25 p.m., court recessed. At 2:30 p.m., court reconvened with the same panel except Associate Justice Puglia in place of Associate Justice Callahan.

Civil           CHARLES WATSON  
No.               v.  
C028935       DEPARTMENT OF TRANSPORTATION

Cause called. Kenneth G. Nellis, Assistant Chief Counsel argued for X-Defendant-Appellant. Ross R. Nott, of Edson, Laplante & Spinelli argued for X-Complainant respondent, Cause submitted.

At 2:50 p.m., court recessed. At 2:55 p.m., court reconvened with the same panel except Associate Justice Nicholson and Associate Justice Raye in place of Associate Justice Scotland and Associate Justice Puglia.

Civil           KOFI OPONG-MENSAH  
No.               v.  
C028131       DEPARTMENT OF PERSONNEL ADMINISTRATION

Cause called. Kofi Opong-Mensah argued fore Himself in Pro Per as Plaintiff-Appellant. Warren C. Stracener, Labor Relations Counsel argued for Defendant-Respondent. Cause submitted.

At 3:07 p.m., court recessed. At 3:11 p.m., court reconvened with the same panel except Associate Justice Morrison in place of Associate Justice Nicholson.



TUESDAY, DECEMBER 15, 1998 CONTINUED

Crim. THE PEOPLE  
No. v.  
C028449 THERESA KAY DUNAGAN

Cause called. Theresa Kay Dunagan argued for Herself in Proper as Defendant-Appellant. Wayne K. Strumpfer, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 3:16 p.m., court adjourned until 9:30 a.m., Wednesday, December 16, 1998.

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Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028667 LARRY BRIAN PORTEOUS

The judgment is affirmed. The trial court is directed to correct the dates of conviction in the abstract of judgment.

SIMS, Acting P.J.

We concur: DAVIS, J.  
RAYE, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C029258 MARCOS ANTHONY LOPEZ

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.  
RAYE, J.

Civil ANNE LAIRD (Certified for Publication)  
No. v.  
C027975 CAPITAL CITIES/ABC, INC.

The judgment is affirmed. Cap Cities shall receive its costs on appeal.

SIMS, Acting P.J.

We concur: SCOTLAND, J.  
CALLAHAN, J.

TUESDAY, DECEMBER 15, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C026674 KASH RAYMOND THARP

The judgment is affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.  
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C026120 BOUDSY CHANTHABOURY

The judgment is affirmed.

NICHOLSON, J.

We concur: DAVIS, Acting P.J.  
 PUGLIA, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C024380 MARION ANTONIO FLORES

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: SCOTLAND, J.  
 PULGIA, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C228240 GARY THOMAS LUSK

The order denying defendant's suppression motion is affirmed. The case is reminded to the trial court for determination of any presentence credits.

SIMS, Acting P.J.

We concur: DAVIS, J.  
 RAYE, J.

WEDNESDAY, DECEMBER 16, 1998

Crim. THE PEOPLE  
 No. v.  
 C028234 PHILLIP GARY GRANGER

BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: December 16, 1998

SCOTLAND, Acting P.J.

Civil MICHAEL PAULSEN  
 No. v.  
 C030375 BENEFICIAL CALIFORNIA INC., ET AL.

BY THE COURT:

Pursuant to the written stipulation of counsel, the appeal filed on August 11, 1998, is dismissed. It is further ordered pursuant to said stipulation that the remittitur issue forthwith.

Dated: December 16, 1998

BLEASE, Acting P.J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: SCOTLAND, Acting Presiding Justice  
 NICHOLSON, Associate Justice  
 HULL, Associate Justice

Bailiff: Conrad.  
 Calendar Called.

Civil GORDON BENNETT  
 No. v.  
 C027715 COUNTY OF GLENN

Cause called. Daniel E. Cooper, of Morrison, Morrison & Cooper argued for Plaintiff-Appellant. Leonard Gary Krup, of Frost, Krup & Atlas argued for Defendant-Respondent. Cause submitted.

Court adjourned at 10:09 a.m., until 9:30 a.m., Thursday, December 17, 1998.

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WEDNESDAY, DECEMBER 16, 1998 CONTINUED

Juvenile No. C30947	<p>LUIS B. (Not for Publication)</p> <p>v.</p> <p>SUPERIOR COURT OF SHASTA COUNTY</p> <p>DEPARTMENT OF SOCIAL SERVICES ET AL.</p> <p style="padding-left: 40px;">The petition is denied.</p> <p style="text-align: right;">DAVIS, Acting P.J.</p> <p>We concur: MORRISON, J. CALLAHAN, J.</p>
Juvenile No. C029690	<p>In re GINA K. ET AL., Persons Coming Under the Juvenile Court Law.</p> <p>DEPARTMENT OF HEALTH AND HUMAN SERVICES</p> <p>v.</p> <p>JOYCE K.</p> <p style="padding-left: 40px;">The orders of the juvenile court are affirmed.</p> <p style="text-align: right;">RAYE, J.</p> <p>We concur BLEASE, Acting P.J. CALLAHAN, J.</p>
Crim. No. C027452	<p>THE PEOPLE (Not for Publication)</p> <p>v.</p> <p>DARIN JAMES GUISANDE</p> <p style="padding-left: 40px;">The judgment is modified by vacating the true finding on the great bodily injury enhancement on count two. As so modified, the judgment is affirmed.</p> <p style="text-align: right;">RAYE, J.</p> <p>We concur: BLEASE, Acting P.J. CALLAHAN, J.</p>
Civil No. C026703	<p>PHILLIP C. ALLEN (Not for Publication)</p> <p>v.</p> <p>MARILYNNE GRINOLDS</p> <p style="padding-left: 40px;">The order of the trial court is affirmed.</p> <p style="text-align: right;">SCOTLAND, Acting P.J.</p> <p>We concur: RAYE, J. HULL, J.</p>

WEDNESDAY, DECEMBER 16, 1998 CONTINUED

Crim. No. C028399	THE PEOPLE v. ROMAN HERNANDEZ ENRIQUEZ The judgment is affirmed.	(Not for Publication)	NICHOLSON, J.
	We concur:	SIMS, Acting P.J. CALLAHAN, J.	
Crim. No. C027018	THE PEOPLE v. ADAM LIBERO The judgment is affirmed.	(Not for Publication)	NICHOLSON, J.
	We concur:	SCOTLAND, Acting P.J. PUGLIA, J.	
Juvenile No. C030995	KIRK W. v. SUPERIOR COURT OF SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES ET AL. The petition if denied.	(Not for Publication)	DAVIS, Acting P.J.
	We concur:	MORRISON, J. CALLAHAN, J.	
Juvenile No. C029512	In re RACHEL B., a Person Coming Under the Juvenile Court Law. DEPARTMENT OF HEALTH AND HUMAN SERVICES v. JEANNIE B. The orders of the juvenile court are affirmed.	(Not for Publication)	MORRISON, J.
	We concur:	DAVIS, Acting P.J. NICHOLSON, J.	

THURSDAY, DECEMBER 17, 1998

Juvenile      In re MIRANDA C., a Person Coming Under the Juvenile Court Law.  
No.              DEPARTMENT OF HUMAN SERVICES  
C030152      V.

KEVIN C.

BY THE COURT:

No claim of error having been raised by appellant Kevin C., the appeal filed July 22, 1998, is dismissed as abandoned, (In re Sade C. (1996) 13 Cal. 4th 952, 994.)

Dated:              December 17, 1998

BLEASE, Acting P.J.

At 9:30 a.m., the court met in the Library & Court Building for a continuation court calendar.

PRESENT:              DAVIS, Acting Presiding Justice  
                                NICHOLSON, Associate Justice  
                                PUGLIA, Associate Justice

Bailiff: Rios.  
Calendar Called.

Civil              UNITED PARCEL SERVICE & ET AL.  
No.                  v.  
C029590      WORKERS' COMPENSATION APPEALS BOARD ET AL.

Cause called. Ellen Sims Langille, of Finnegan, Marks & Hampton argued for Petitioners. Matthew D. Marca, of Finnegan, Marks & Hampton appeared on behalf of Petitioners. Kim Gorre Cantil, of Mastagni, Holstedt & Chiurazzi argued for Respondent Theresa Gonzales. Neil P. Sullivan requested and was granted permission to argue for Respondent Workers' Compensation Appeals Board. Cause submitted.

THURSDAY, DECEMBER 17, 1998 CONTINUED

At 10:04 a. m., court recessed. At 10:07 a.m., court reconvened with the same panel except Associate Justice Callahan instead of Associate Justice Nicholson.

Civil           KEVIN GRACE ET AL.  
No.               v.  
C027173       BRIAN J. VAN VORIS ET AL.

Jaquelynn Pope, of Washaw & Pope argued for Plaintiffs-Appellants. W. Tim Beedlam argued for Defendants-Respondents. Cause submitted.

At 10:31 a.m., court recessed. At 10:40 a.m., court reconvened with the same panel except Associate Justice Morrison in place of Associate Justice Callahan.

Civil           BENNETT WALKER ETC. ET AL.  
No.               v.  
C025719       LAND'S END REAL ESTATE, INC.

Cause called. Larry L. Baumbach argued for Plaintiffs-Appellants. Raymond L. Sandelman, of Stewart, Humpherys, Burchett, Sandelman & Molin argued for Defendant-Respondent. Cause submitted.

10:51 a.m., court recessed. At 10:55 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Davis, and Associate Justice Puglia.

Crim.           THE PEOPLE  
No.               v.  
C25388       CURTIS WAYNE GORDON

Cause called. Michael Satris, court appointed counsel argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved. Cause submitted.

THURSDAY, DECEMBER 17, 1998 CONTINUED

At 11:05 a.m., court recessed. At 11:11 a.m., court reconvened with the same panel except Associate Justice Scotland in place of Associate Justice Davis. Cause submitted.

Crim. THE PEOPLE  
No. v.  
C25790 ALFRED WILLIE ANDERSON

Cause called. Joan Isserlis, court appointed counsel argued for Defendant-Appellant. Maureen A. Daly, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 11:25 a.m., court recessed. At 2:02 p.m., court reconvened with the same panel except Associate Justice Davis in place of Associate Justice Puglia.

Crim. THE PEOPLE  
No. v.  
C22579 RICHARD E. WILMSHURST ET AL.

Cause called. Richard E. Wilmshurst argued for Himself in Pro Per as Defendant-Appellant Wilmshurst with additional citations. Harold C. Wright argued for Defendant-Appellant Forty-Niner Sierra Resources. Kirk C. Oliver, Senior Staff Counsel argued for Plaintiffs-Respondents. No appearance was made by Richard M. Thalhammer, Deputy Attorney General.

Court adjourned at 2:50 p.m., until 9:30 a.m., Friday, December 18, 1998

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Crim .THE PEOPLE (Not for Publication)  
No. v.  
C027144 FRANCISCO MIGUEL DELGADILLO

The judgment is affirmed.

HULL, J.

We concur: BLEASE, Acting P.J.  
RAYE, J.



THURSDAY, DECEMBER 17, 1998 CONTINUED

Civil In re Marriage of LOIS AND MILTON RUFFINS  
 No. LOIS L. RUFFINS JENKINS  
 C028481 v.  
 MILTON RUFFINS

The order denying modification of the retirement benefit allocation is affirmed. Appellant's request for sanction is denied. Lois Ruffins Jenkins shall recover her costs on appeal.

SIMS, Acting P.J.

We concur: DAVIS, J.  
 RAYE, J.

Civil DAWN MYERS (Not for Publication)  
 No. v.  
 C027806 JOHN SUTTER

The judgment is reversed with directions to the trial court to vacate it order granting the demurrer and to overrule the demurrer as to defendant Suter. Plaintiff shall recover costs on appeal.

MORRISON, J.

We concur; BLEASE, J.  
 HULL, J.

FRIDAY, NOVEMBER 20, 1998

Crim. THE PEOPLE (Not for Publication)  
 No. v. **ADDENDUM**  
 C028234 PHILLIP GARY GRANGER

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.  
 SCOTLAND, J.